

# BOARD OF ZONING ADJUSTMENTS

# **MEETING INFORMATION**

# Location

# **Homeland Security Conference Room**

8<sup>th</sup> Floor, Room 8E10 City Hall 1300 Perdido Street New Orleans, Louisiana

# <u>Time</u>

10:00 a.m. Decision Appeals are heard after 1:00 p.m.

# **Board Members**

Candice M. Forest - Chair

Todd C. James - Vice Chair

Jaime Ramiro Diaz

Alfonso Gonzalez II

Mary Harper Malone

Nikolaus Richard

Michael K. Broussard

The general public cannot speak with the members personally.

# Final Agenda

November 14, 2016

The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 14 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **November 24, 2016**.

#### General Rules of Order

Robert's Rules of Order govern the conduct of the meeting. Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a Speaker Card and place it in the box provided. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

# Appeals

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

- A. Call to Order, Roll Call, Adoption of Minutes, Communications and Reading of Hearing Rules
- B. Consideration Adoption of the 2017 & 2018 Board of Zoning Adjustments Meeting Schedules
- C. Rules Committee
- D. BZA Dockets <u>Current Comprehensive Zoning Ordinance</u> Unfinished Business

ITEM 1 - Docket Number: 047-16

Applicant or Agent:Gebre E. Amare, Corinne Villavaso, Michael TifftProperty Location:1544 Gentilly BoulevardZip: 70119Bounding Streets:Gentilly Blvd., Laharpe St., Paul Morphy St., Bayou Rd.

**Zoning District**: HU-B1 Neighborhood Business District

Historic District:Esplanade RidgePlanning District:4Existing Use:Vacant LotSquare Number:1530Proposed Use:Retail Goods EstablishmentLot Number:X or 6 & 7

**Project Planner:** Nicholas Kindel (njkindel@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a retail goods establishment with insufficient rear yard depth. (AFTER THE FACT)

#### **Requested Waiver:**

Section 12.3.A.1 (Table 12-2) – Rear Yard Setback

Required: 15' Provided: 5'-½" Waiver: 9'-11 ½"

ITEM 2 - Docket Number: 074-16

**Applicant or Agent:** Mirus New Orleans LLC, C. Spencer Smith, AIA Architects **Property Location:** 14550 Dwyer Boulevard et al **Zip:** 70129

**Bounding Streets:** Dwyer Blvd., Alsace St., & Maxent Canal **Zoning District:** S-RM2 Multi-Family Residential District

Historic District: N/A Planning District: 10

Existing Use: Multi-Family Residence Square Number: Area IV

Proposed Use: Multi-Family Residence Lot Number: 7-F & 7-H

**Project Planner:** Danica Adams, Brooke Perry (dcadams@nola.gov)

**Request Citation**: This request is for a variance from the provisions of Article 23, Section 23.3.C.5 and Section 23.3.C.11 of the Comprehensive Zoning Ordinance.

**Request**: This request is to permit the construction of a multi-family housing development which includes greater than five thousand (5,000) square feet of impervious surface and which is greater than one (1) acre in size and does not detain the first one and one quarter inch (1.25") of stormwater runoff during each rain event and whose post-development stormwater runoff rate is not less than the predevelopment runoff rate.

#### **Requested Waivers:**

Article 23, Section 23.3.C.5 – Content of Stormwater Management Plan

Required: 1.25" Provided: 0.24" Waiver: 1.01"

Article 23, Section 23.3.C.11 – Content of Stormwater Management Plan

Required: Post-Development Runoff Rate < Pre-Development Runoff Rate

Provided: Post-Development Runoff Rate = Pre-Development Runoff Rate

Waiver: Post-Development Runoff Rate < Pre-Development Runoff Rate



# E. BZA Dockets – Current Comprehensive Zoning Ordinance - New Business

ITEM 3 – Docket Number: 084-16

**Applicant or Agent:** Repetition LLC, Sherman Strategies, LLC

**Property Location:** 3922 Buchanan Street **Zip:** 70122

**Bounding Streets:** Buchanan St., Caton St., Cadillac St., & Foy St.

**Zoning District:** S-RD Two-Family Residential District

Historic District: N/A Planning District: 4

Existing Use: Vacant Lot Square Number: 2684

Proposed Use: Two-Family Residence Lot Number: 4

**Project Planner:** Emily Ramírez Hernández (erhernandez@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a two-family residence with insufficient minimum lot width.

**Requested Waiver:** 

Article 13, 13.3.A.1 (Table 13-2) — Minimum Lot Width

Required: 50' Provided: 42' Waiver: 8'

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ITEM 4 – Docket Number: 085-16

Applicant or Agent: Michael Wood, Kelly Wood

**Property Location:** 3201 Gravier Street **Zip:** 70124 **Bounding Streets:** Gravier St., S. Lopez, S. Rendon St., & Tulane Ave.

**Zoning District:** MU-2 High Intensity Mixed-Use District

Historic District: N/A Planning District: 4

Existing Use: Vacant Lot Square Number: 664

**Proposed Use:** Two-Family Residence **Lot Number:** 1

**Project Planner:** Stosh Kozlowski (sakozlowski@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a two-family residence with insufficient minimum lot area.

**Requested Waiver:** 

Article 15, 15.3.A.1 (Table 15-2) — Minimum Lot Area

ala.

ITEM 5 – Docket Number: 086-16 WITHDRAWN

**Applicant or Agent:** Schoen Fuselier Co., LLC

Property Location:817 N. Villere StreetZip: 70116Bounding Streets:N. Villere St., St. Ann St., Dumaine St., & N. Roberston St.Zoning District:HMR-1 Historic Marigny/Tremé/Bywater Residential DistrictHistoric District:TreméPlanning District: 4Existing Use:Vacant LotSquare Number: 179

Proposed Use: Vacant Lot Lot Number: B (Proposed A2)

**Project Planner:** Stosh Kozlowski (sakozlowski@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 9, Section 9.3.A (Table 9-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 109/16 to permit the creation of a lot with insufficient minimum lot width.

Article 9, Section 9.3.A — Lot Width Requirements (Single and Two-Family Dwelling)

Required: 25' Provided: 23'-11" Waiver: 13"

A.

ITEM 6 - Docket Number: 087-16

**Applicant or Agent:** James A. Dominguez, Jr.

Property Location:981 Germain StreetZip: 70124Bounding Streets:Orleans Ave., Germain St., Gen. Haig St., & French St.Zoning District:S-LRS1 Lakeview Single-Family Residential District

Historic District:N/APlanning District:5Existing Use:Vacant LotSquare Number:292Proposed Use:Single-Family ResidenceLot Number:25 & 26

**Project Planner:** Timothy Jackson (thjackson@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a single-family residence with insufficient corner side yard width.

**Requested Waiver:** 

Article 13, 13.3.A.1 (Table 13-2) — Corner Side Yard Setback

Required: 10' Provided: 5' Waiver: 5'

alla.

ITEM 7 - Docket Number: 088-16

**Applicant or Agent:** Shane Purl, Lea Witkowski-Purl

**Property Location:** 4909 Baccich Street **Zip:** 70122 **Bounding Streets:** Baccich St., Mirabeau Ave., Selma St., Eastern St.

**Zoning District:** S-RS Single-Family Residential District

Historic District: N/A Planning District: 6

Existing Use: Single-Family Residence Square Number: 47

Proposed Use: Single-Family Residence Lot Number: 45 & 46

**Project Planner:** Kelly Butler (kgbutler@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 21, Section 21.6.P.2 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the renovation of a detached garage, resulting in excessive height. **(AFTER THE FACT)** 

**Requested Waiver:** 

**Article 21, 21.6.P.2** — Detached Garages

Permitted: 16' Provided: 18' Waiver: 2'

a**k**a

ITEM 8 – Docket Number: 089-16

**Applicant or Agent:** Radee & Kim Washington, Onyx Group, LLC

**Property Location:** 432-434 N. Miro Street **Zip:** 70119

**Bounding Streets:** N. Miro St., St. Louis St., Galvez St., & Conti St. **Zoning District:** HU-MU Neighborhood Mixed-Use District

Historic District: N/A Planning District: 4

Existing Use: Two-Family Residence Square Number: 279

Proposed Use: Two-Family Residence Lot Number: A

**Project Planner:** Nicolette P. Jones (nicolette.jones@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit an addition onto an existing two-family residence, resulting in insufficient rear yard depth. (AFTER THE FACT)

**Requested Waiver:** 

Article 12, 12.3.A.1 (Table 12-2) — Rear Yard Setback

Permitted: 15' Provided: 10' Waiver: 5'

a**l**a

ITEM 9 - Docket Number: 090-16

**Applicant or Agent:** Christopher Cochran, Charles Marts

**Property Location:** 1107 St. Anthony Street **Zip:** 70116

**Bounding Streets:** St. Anthony St., N. Rampart St., Pauger St., & St. Claude Ave. HMC-2 Historic Marigny/Tremé/Bywater Commercial District **Zoning District: Historic District:** Faubourg Marigny Planning District: 7 **Existing Use:** Single-Family Residence **Square Number: 377** Lot Number: 2 or Pt. 7 Proposed Use: Single-Family Residence **Project Planner:** Cameron Bonnett (cdbonnett@nola.gov) (Proposed 7A)

**Request Citation:** This request is for a variance from the provisions of Article 10, Section 10.3.A (Table 10-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 101/16 to permit the creation of a lot with insufficient minimum lot area.

**Requested Waiver:** 

Article 10, 10.3.A (Table 10-2) — Minimum Lot Area

Permitted: 1,500 ft.<sup>2</sup> Provided: 1,396.45 ft.<sup>2</sup> Waiver: 103.55 ft.<sup>2</sup>

a**l**la

#### ITEM 10 – Docket Number: 091-16

WITHDRAWN

**Applicant or Agent:** Chartres Exchange Condominium Association

**Property Location:** 333 Chartres St., 332 Exchange Pl. **Zip:** 70130 **Bounding Streets:** Chartres St., Exchange Pl., Bienville Ave., & Conti St.

**Zoning District:** VCC-2 Vieux Carré Commercial District

Historic District:Vieux CarréPlanning District:1bExisting Use:Mixed-UseSquare Number:37Proposed Use:Mixed-UseLot Number:D-1

**Project Planner:** Brittany DesRocher (bbdesrocher@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 10, Section 10.3.A (Table 10-2) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit an addition onto an existing mixed-use building resulting in excessive height.

**Requested Waiver:** 

Article 10, Section 10.3.A (Table 10-2) — Maximum Building Height

Permitted: 50' Provided: 57'-4" Waiver: 7'-4"

alk.

**Applicant or Agent:** 1<sup>st</sup> Street Racquet Club

**Property Location:** 2375 Tchoupitoulas Street **Zip:** 70130 **Bounding Streets:** Tchoupitoulas St., First St., Rousseau St. Soraparu St.

**Zoning District:** MU-1 Medium Intensity Mixed-Use District **Overlay District:** EC Enhancement Corridor Design Overlay

Historic District:Irish ChannelPlanning District:2Existing Use:WarehouseSquare Number:27Proposed Use:Reception FacilityLot Number:5, 6, 7, & A

**Project Planner:** Tyler Antrup (tjantrup@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 20, Section 20.3.WW of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit a reception facility with insufficient minimum distance from the nearest residential district.

# **Requested Waiver:**

Article 20, 20.3.WW — Reception Facility

Permitted: 200' Provided: 30' Waiver: 170'

alki.

ITEM 12 – Docket Number: 093-16

**Applicant or Agent:** WTJ Group LLC, Thais Santos

**Property Location:** 219-221 N. Tonti Street **Zip:** 70119 **Bounding Streets:** N. Tonti St., Iberville St., N. Rocheblave St., & Bienville St.

**Zoning District:** HU-RD2 Two-Family Residential District

Historic District: N/A Planning District: 4

Existing Use: Single-Family Residence Square Number: 305

Proposed Use: Single-Family Residence Lot Number: 27

**Project Planner:** Danica Adams (dcadams@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A), Article 11, Section 11.3.B.3 (a), Article 22, Section 22.8.B.1, and Article 22, Section 22.11.D (1), (2), (3), and (5) of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a single-family residence with an excessive front yard setback, excessive paving in the front yard, and an off-street parking space in the front yard that is too close to the side property line.

#### **Requested Waivers:**

Article 11, 11.3.A.1 (Table 11-2A) — Maximum Impervious Surface in Front Yard

Permitted: 40% max Provided: 45% Waiver: 5%

Article 11, 11.3.A.1 (Table 11-2A) — Front Yard Setback

Permitted: 20' max Provided: 40'-11" Waiver: 20'-11"

Article 11, 11.3.B.3 (a) — Parking Restrictions

Permitted: 0 spaces in the front yard Provided: 1 Waiver: 1

Article 22, 22.8.B.1— Permitted Vehicle Parking Locations (Front Yard)

Permitted: 0 spaces in the front yard Provided: 1 Waiver: 1

Article 22, 22.11.D.1 — Parking Pad Design (Location)

Permitted: 0 spaces in the front yard Provided: 1 Waiver: 1

Article 22, 22.11.D.2 — Parking Pad Design (Location)

Permitted: 0 spaces in the front yard Provided: 1 Waiver: 1

**Article 22, 22.11.D.3** — Parking Pad Design (Location)

Permitted: 3' from side lot line Provided: 1'-8" Waiver: 1'-4"

Article 22, 22.11.D.5 — Maximum Impervious Surface

Permitted: 40% max Provided: 45% Waiver: 5%



ITEM 13 - Docket Number: 094-16

**Applicant or Agent:** Darrin Champagne

**Property Location:** 920 Delaronde Street **Zip:** 70114 **Bounding Streets:** Delaronde St., Elmira St., Pacific Ave., & Patterson St.

**Zoning District:** HU-RD2 Two-Family Residential District

Historic District:Algiers PointPlanning District:12Existing Use:Vacant LotSquare Number:43

Proposed Use: Single-Family Residence Lot Number: E (Proposed E1)

**Project Planner:** Sabine Lebailleux (selebailleux@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 11, Section 11.3.A.1. (Table 11-2A) of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 108/16 to permit the creation of a lot with insufficient minimum lot area and insufficient minimum lot width.

# **Requested Waiver:**

Section 11.3.A.1 (Table 11-2A) — Minimum Lot Width

Required: 30' Provided: 27'-5" Waiver: 2'-7"

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ITEM 14 - Docket Number: 095-16

**Applicant or Agent:** Darrin Champagne

Property Location:920 Delaronde StreetZip: 70114Bounding Streets:Delaronde St., Elmira Ave., Pacific Ave., & Patterson St.

**Zoning District:** HU-RD2 Two-Family Residential District

Historic District:Algiers PointPlanning District:12Existing Use:Vacant LotSquare Number:43

Proposed Use: Single-Family Residence Lot Number: E (Proposed E2)

**Project Planner:** Nicholas Kindel (njkindel@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 11, Section 11.3.A.1. (Table 11-2A) of the Comprehensive Zoning Ordinance.

**Request:** This request is in conjunction with Subdivision Docket 108/16 to permit the creation of a lot with insufficient minimum lot width.

#### **Requested Waiver:**

Section 11.3.A.1 (Table 11-2A) — Minimum Lot Width

Required: 30' Provided: 27'-5" Waiver: 2'-7"

alki.

# F. Reasonable Accommodation Appeals – Old Business

ITEM 15 – Docket Number: RA003-16

**Applicant or Agent:** Justin B. Schmidt, Christopher D. Villere

**Property Location:** 1467 Arabella Street **Zip:** 70115

**Bounding Streets:** Arabella St., Hurst St., Joseph St., & Garfield St.

**Zoning District:** HU-RD2 Two-Family Residential District

Historic District:N/APlanning District:3Existing Use:Single-Family ResidenceSquare Number:58Proposed Use:Single-Family ResidenceLot Number:A

**Request Citation:** This request is for a reasonable accommodation from the provisions Article 11, Section 11.3.A.1 (Table 11-2A), and Article 22, Section 22.8.B.1(b), Section 22.11.B1, Section 22.11.B1.a.ii, Section 22.11.D.1, and Section 22.11.D.2 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit an off-street parking space in a required front yard with excessive impervious surface, excessive number of curb cuts, and insufficient lot width for a circular drive **(AFTER THE FACT).** 

#### **Requested Accommodations:**

Section 11.3.A.1 (Table 11-2A) — Maximum Impervious Surface - Front Yard
Permitted: 40% Provided: 85% Waiver: 45%

Section 22.8.B.1(b) — Permitted Vehicle Parking Locations (Residential Uses - Front Yard)

Permitted: 0 Spaces Provided: 1 Space Waiver: 1 Space

Section 22.11.B (1) — Curb Cuts

Permitted: 1 curb cut Provided: 2 curb cuts Waiver: 1 curb cut

Section 22.11.B1(a)(i) — Curb Cuts

Required: 0 spaces in front yard Provided: 1 space Waiver: 1 space

Section 22.11.B1(a)(iii) — Curb Cuts

Required: 50' lot width Provided: 45' Waiver: 5'

Section 22.11.D.1 — Parking Pad Design for Single- and Two-Family Residential

Permitted: 0 spaces in front yardProvided: 1 space Waiver: 1 space

Section 22.11.D2 — Parking Pad Design for Single- and Two-Family Residential

Permitted: 0 spaces in front yard Provided: 1 space Waiver: 1 space

# G. Director of Safety and Permits Decision Appeals – Unfinished Business

ITEM 16 - Docket Number: 056-16

**Applicant or Agent:** Leonard Washington, Michael Tifft

**Property Location:** 1421-1423 Marais Street **Zip:** 70116 **Bounding Streets:** Kerlerec St., N. Villere St., Esplanade Ave., Marais St.

Zoning District:HMR-3 Historic Marigny/Tremé/Bywater Residential DistrictHistoric District:TreméPlanning District:4Existing Use:Two-Family ResidenceSquare Number:501Proposed Use:Multi-Family ResidenceLot Number:F19

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the loss of non-conforming use of a nine-plex.

a**k**a

ITEM 17 - Docket Number: 081-16

**Applicant or Agent:** Edward F. Lang, III, The Steeg Law Firm

**Property Location:** 5208-5210 Coliseum Street **Zip:** 70115 **Bounding Streets:** Coliseum St., Dufossat St., Chestnut St., Bellecastle St.

**Zoning District:** HU-RD2 Two-Family Residential District

Historic District:N/APlanning District:3Existing Use:Single-Family ResidenceSquare Number:299Proposed Use:Single-Family ResidenceLot Number:14

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination that the front yard parking has not obtained non-conforming status.

A.

ITEM 18 - Docket Number: 083-16

**Applicant or Agent:** Robert E. Zrabkowski, Aurora Gardens Neighborhood Association

**Property Location:** 6301-6341 Stratford Place **Zip:** 70131

**Bounding Streets:** Stratford Pl., Aurora Dr. and Sullen Pl. **Zoning District:** S-RM1 Multi-Family Residential District

Historic District: N/A Planning District: 12

Existing Use: Convalescent Home Square Number: 128

Proposed Use: Large Group Home Lot Number: B

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination that the proposed use of the subject property was a "convalescent home" under the former Comprehensive Zoning Ordinance.

A.

# H. Director of Safety and Permits Decision Appeals – New Business

ITEM 19 – Docket Number: 096-16

**Applicant or Agent:** Cheers Nola, LLC, Geocor Properties LLC

**Property Location:** 500 Elmira Avenue **Zip:** 70114

**Bounding Streets:** Elmira Ave., Eliza St., Evelina St., & Pacific Ave.

**Zoning District:** HU-B1A Neighborhood Business District

Historic District:Algiers PointPlanning District:12Existing Use:BarSquare Number:97Proposed Use:BarLot Number:24

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the loss of non-conforming use of a bar.

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# I. Adjournment